

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Teachers4Action et al,	:	Civil Action #
Plaintiffs	:	08-cv-548 (VM)(AJP)
v.	:	
	:	
Bloomberg et al,	:	
Defendants.	:	
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DECLARATION OF EDWARD D. FAGAN IN SUPPORT OF MOTION FOR (i) ORDER SEALING CERTAIN DOCUMENTS, (ii) ORDER RELIEVING ED FAGAN AS COUNSEL FOR PLAINTIFF LEWENSTEIN, (iii) ORDER PURSUANT TO FRCP 42 (b) SEVERING CLAIMS, (iv) ORDER DIRECTING PLAINTIFF LEWENSTEIN TO TURN OVER CLIENT DOCUMENTS, (v) ORDER GRANTING BRIEF ADJOURNMENT OF PRESENT MOTION SCHEDULE IN ACCORDANCE WITH AGREEMENTS BETWEEN COUNSEL AND (vi) FOR OTHER JUST & EQUITABLE RELIEF

Edward D. Fagan, hereby declares and says, as follows:

Introduction

1. I am counsel of record to Teachers4Action and its members in the above referenced matter. I make this Motion with the prior consent of the Teachers4Action Executive Committee, including Jonathan Berlyne, Joann Hart, Michael Hollander, Jennifer Saunders, Linda Seifert and Mauricio Zapata.
2. This Motion is necessary at this time because of unfortunate events that have placed me (and the Teachers4Action Executive Committee) in a position whereby no matter which course of action I/we take, I / we will be accused of doing the wrong thing or of doing something without authorization.
3. This Declaration is being filed in a redacted form. The entire un-redacted Declaration is being provided to the Court for its *in camera* inspection and for sealing pursuant to that prong of this Motion

4. I respectfully submit that certain statements and referenced documents should not be provided to the Defendants or for public scrutiny, as they are not relevant to the Plaintiffs' claims or the Defendants' defenses, and could inappropriately and unfairly prejudice Plaintiffs' claims.
5. The Court should also note that as related to the issue of timing, while the issues presented in this Motion affect Plaintiffs' Response to Defendants' Motions to Dismiss, Plaintiffs have already secured Defendants consent to an extension of time from both Defendants' and I will be submitting a separate application for the Court's approval.

Confidential Facts

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38. This application is also necessary to protect Mr. Lewenstein himself who should have the opportunity to come in and explain (with the proper Confidentiality Orders in place) his actions, to explain how long it will take him to produce the documents in his possession which belong to the Individual Teachers4Action members and which are necessary for the prosecution and defense of this and other claims and to explain what he believes should be done with his claims moving forward.

Conclusion

39. In view of the foregoing, I pray the Court grant the relief sought in this motion so that we can continue to prosecute claims which have been brought in good faith for teachers whose merit relief and who deserve to have their claims move forward without these unfortunate events prejudicing them.

DECLARATION PURSUANT TO 28 USC § 1746

I hereby declare, under penalty of perjury, that the foregoing statements are true to the best of my knowledge, information and belief.

Dated: July 31, 2008

/s/ Edward D. Fagan
Edward D. Fagan Esq.